

Application No.: 09/827,614
Amendment dated: April 6, 2005
Reply to Office Action of: October 6, 2004

REMARKS

Claims in this case are 29-52, all of which have been effectively amended from their prior form in the parent application by amendment of the independent claims. The amendments are significant in relation to the comments as set forth below.

Claims herein have been rejected under 35 U.S.C. ¶103 on the basis of the U.S. Patents: 4,996,705 (“Entenmann”) and 4,494,197 (“Troy”) along with the AT&T publication, “The AT&T Multi-mode Voice Systems.....” (“Hester”).

As Entenmann provides the primary basis for rejection, consider the disclosure in greater detail. Basically, Entenmann receives signals in two different stages. Initially, the Entenmann system involves the receipt of ANI signals or credit card number signals for the purpose of determining eligibility. In that regard, ANI signals specifically are received for determining eligibility on the basis of “locale” (col. 2, line 59). In a somewhat related way, credit card account number signals are received to determine “eligibility” or to accommodate “charges, and winnings” (col. 2, line 64). Eligibility is based on a caller’s credit limit (col. 3, line 3).

The second form of information received in accordance with the Entenmann disclosure, involves data “used for generating that customer’s lottery comparison number” (col. 3, line 9). That is, the caller speaks or “keys in” a basis for the generation of a lottery comparison number which then is compared with a target number to determine a winner (see Figure 3, query block 66).

If a favorable comparison results between the comparison number and the target number, a caller is determined to be a winner which “is then announced to the customer” (col. 3, line 60) and the call is “connected to an operator” (col. 3, line 62).

First, a subtle distinction exists between the Entenmann disclosure regarding the eligibility determination and Applicant’s “testing” (claims 29 and 41). Specifically, while Entenmann simply checks for an appropriate area code or financial responsibility, Applicant’s system receives signals indicative of the terminal digital data representing a calling telephone number and the caller’s social security number data for comparison against previously stored data. Such a testing operation is distinct from that of Entenmann and becomes an element in the operation of the analysis structure.

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In a related regard, it is also noteworthy that Applicant's claims recite the social security number which is a permanent form of identification, again distinct from the Entenmann disclosure.

Turning it to the "caller data signals" received by the "analysis structure", as in Applicant's claim 29, it is noteworthy that such signals are representative of data relating to individual callers and are not merely a basis for generating a lottery comparison number as in the Entenmann disclosure. Thus, a significant distinction.

While it is recognized that Entenmann isolates winners, such winners are simply informed and connected to an operator. On the contrary, Applicant's "isolated subset" is the subject of further processing by the analysis system. Such an operation is totally missing in the Entenmann disclosure.

With regard to the disclosures of Troy and Hester, again, distinctions occur. It is recognized that Troy does mention a social security number; however, such mention is made merely as identifying various forms of identification. In Hester, services are selected; however, no suggestion exists of a tie-in with format selection for the processing data as specified in Applicant's claims.

In view of the present form of the claims and the above comments, reconsideration is respectfully requested. Respectfully submitted.

Respectfully submitted,

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